

Study: Low-income children lack advocates in court

PORTLAND, Maine (AP) — Low-income children in Maine involved in divorce or parental rights cases are often denied the benefits of court advocates because their families cannot afford to pay the fees, according to a new report.

The report by the Muskie School of Public Service at the University of Southern Maine completes a three-year evaluation of Guardian ad Litem - or GALs - in divorce and parental rights and responsibilities cases in the state.

GALs are lawyers or licensed mental health counselors appointed by a court to represent a child's best interests in family proceedings. Their fees, which can range between \$75 and \$150 per hour under a private system, are paid for by the family, said Muskie Fellowship recipient Alison Beyea.

"Overall, we found that GALs are very beneficial," said Beyea, who co-wrote the report with Frank D'Alessandro. "However, we also discovered that in hundreds of cases each year, the court recommends that a GAL be appointed but cannot do so because the families can't afford the fee."

Beyea said the study was conducted because of growing concern that low-income children were subject to intense, emotional arguments that more affluent children would be sheltered from.

"The children are living in fairly intolerable situations while the parents are battling it out," she said. "There may not be anyone else involved to insulate them."

Often, GALs end up doing more social work than legal counseling, such as improving communication between family members, Beyea said. "Collaboration with mental health groups is critical," she said.

Beyea, a lawyer at Pine Tree Legal Services, conducted the study and said she surveyed district court judges, case management officers, family law attorneys and people registered to be GALs. There were 170 GALs in Maine at the time of her study, she said.

Beyea said the report's findings are timely, given that Chief Justice Leigh Saufley has said that one of her priorities is to provide GALs to all children, regardless of economic background.

Unlike child protective cases, children in divorce proceedings are not guaranteed the right to a court-appointed guardian by the state. Low-income children who have been victims of abuse or neglect are not charged for guardians; rather, the state pays the GAL \$50 per hour under the state courts budget.

Beyea said she would like to see the state implement a similar program that offers resources to lower-income families involved in divorce and parental rights and responsibilities cases. "We do think, given the report, that there might be some legislative appropriation," she said.